

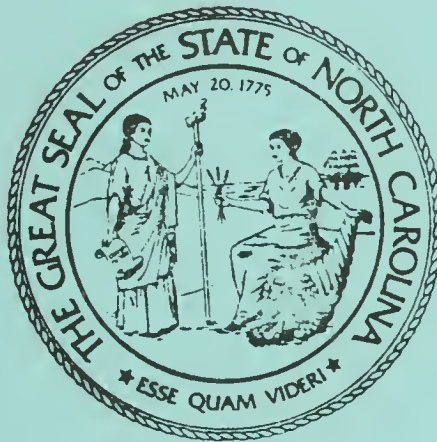
REPORT

TO THE

1975

GENERAL ASSEMBLY OF NORTH CAROLINA
SECOND SESSION 1976

SHORT REPORT



SHORT REPORT

THE HIGHWAY PATROL

1975-76 INTERIM SPECIAL STUDY

BY THE

HOUSE OF REPRESENTATIVES COMMITTEE
ON

PROFESSIONAL LAW ENFORCEMENT
PERSONNEL AND PRACTICES

RALEIGH, NORTH CAROLINA

MAY 12, 1976



North Carolina General Assembly
House of Representatives
State Legislative Building
Raleigh 27611

EDWARD S. HOLMES
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HOME ADDRESS: BOX 126
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May 12, 1976

COMMITTEES:

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TRANSPORTATION

Speaker James C. Green
House of Representatives
General Assembly of North Carolina
State Legislative Building
Raleigh, North Carolina 27611

Dear Speaker Green:

At your direction, the House Committee on Professional Law Enforcement Personnel and Practices has met and produced a study of current problems of the North Carolina Highway Patrol. As Chairman of the Committee, by this letter, I am transmitting to you the Committee's Report. Additional copies of the report will be made available, at your direction to be sent to all members of the North Carolina House of Representatives, to interested members of the North Carolina Senate, to other State government officials, to the press, and to requesting members of the general public. Distribution will be handled by the Legislative Services Office through the Legislative Library.

Yours truly,

A handwritten signature in cursive script, appearing to read "Ed. S. Holmes".

Edward S. Holmes, Chairman

HOUSE COMMITTEE ON PROFESSIONAL LAW
ENFORCEMENT PERSONNEL AND PRACTICES

CONTENTS

| | Page |
|--|------|
| Letter of Transmittal | i |
| Introduction | 1 |
| Proceedings | 2 |
| Findings and Conclusions | 18 |
| 1. Salary | 19 |
| 2. Administration | 22 |
| 3. Liability Insurance | 24 |
| 4. Retirement | 24 |
| 5. Grievance Procedure | 26 |
| 6. Equipment | 27 |
| Recommendations | 27 |
| Appendices | 33 |
| A. Speaker's Letter Charging the Committee | 35A |
| B. List of Committee Members | 37B |
| C. Salary Information - Highway Patrol | 39C |
| D. Comparative Salary Data | |
| E. General Statutes Chapter 126 | |
| F. Highway Patrol Grievance Procedure | |
| G. Retirement Materials | |
| H. Communications System and Equipment | |
| I. Highway Patrol Equipment List | |
| J. Trooper Sykes Presentation | |
| K. Patrol Policies and Procedures | |
| L. Trooper Phillips Presentation | |
| M. Trooper Oliver Presentation | |
| N. Trooper Davis Presentation | |
| O. Troopers Association Charter | |
| P. Liability Insurance Materials | |

Appendices D - P are not printed in this short report.

INTRODUCTION

On December 8, 1975, the Speaker of the North Carolina House of Representatives by letter to the Chairman of the House Committee on Professional Law Enforcement Personnel and Practices, Representative Edward S. Holmes, charged the Committee with determining "the validity of the published and much talked about reports concerning low morale and other related problems within the ranks of the North Carolina State Highway Patrol." A copy of Speaker Green's letter to Chairman Holmes is carried in Appendix A, and a list of the members of the Committee is carried in Appendix B.

The Committee has met five times to consider matters concerning the Highway Patrol. This report contains a summary of materials generated and presentations heard at these Committee meetings. The report also contains the Committee's findings and conclusions based on information gathered at these meetings, and the Committee's recommendations for further action by the General Assembly on the Highway Patrol problem.

PROCEEDINGS

The first interim meeting of the House Committee on Professional Law Enforcement Personnel and Practices was held on January 8, 1976. This and the other Committee meetings were held in the State Legislative Building in Raleigh. Chairman Holmes had asked the Committee members to talk individually with Highway Patrol troopers in their areas, and the first part of the meeting was devoted to discussion of information gathered in these legislator-trooper conferences. The interviews did disclose the existence of problems, but the Committee members found that the overall patrol morale is generally good, that the patrol remains strong, and that the troopers are proud to serve in the patrol.

There are a number of problem areas that are a common concern to troopers across the State. The troopers feel that their salaries are generally too low, that there is a high risk factor in their work that is not adequately compensated, and that there is not enough difference between the trooper pay schedule and the schedule for sergeant. Troopers feel that the State does not carry enough liability insurance on patrol cars, that information on the Law Enforcement Officers' Retirement System is difficult to find, and that there are some problems with patrol equipment, particularly in communications. They are also concerned about political factors in patrol promotion decisions and there is sentiment for moving the patrol out of the Department of Transportation to an independent status under the Governor. The Committee identified five of the troopers' areas of concern for further Committee examination and study: salary, grievance procedures, retirement, liability insurance, and equipment.

The second Committee meeting was held on January 29, 1976. At

this meeting information on the five areas of Committee study was presented by legislative staff, by the Commander of the Highway Patrol and members of his headquarters staff, by State Auditor Henry Bridges and his Law Enforcement Officers' Retirement System staff, and by representatives of the North Carolina State Employees' Association. The initial presentations concerned salary. A trooper, in annual steps, may progress through annual salaries of: \$9,276 - \$9,708 - \$10,164 - \$10,664 - \$11,148 - \$11,676 - \$12,240 - \$12,816. As with other State employees, the increases from the first to the second step and from the second to the third step are automatic on the employee's anniversary of employment. On succeeding anniversaries, subject to merit evaluation and available funds, a trooper is eligible for merit increase to the next highest step. The range of steps begins at State Personnel Office salary classification Grade 64, Step 1 (Trooper); and at the end of three annual increments it moves to Grade 64, Step 3 (Senior Trooper); and at the end of six increments moves to Grade 65, Step 5 (Master Trooper). A patrol sergeant is paid in Grade 68 with a range of \$11,148 to \$14,052; a trooper at the top of his pay schedule can look for only two more incremental steps if he is promoted to sergeant. Further North Carolina Highway Patrol salary schedule information is carried in Appendix C, and comparison data is carried in Appendix D.

The Committee's discussion of Highway Patrol grievance procedures began with a review of the relationship between patrol grievance procedures and operation of the State Personnel System as established by General Statutes Chapter 126. Except for those employees that are specifically exempt, all State agencies

operate under State Personnel System guidelines, and Highway Patrol troopers are not exempt. The 1975 General Assembly added statutory requirements for grievance matters to Chapter 126, including time limitations so that an agency cannot unnecessarily delay an employee's grievance hearing. The statutes direct that an initial grievance inquiry start at the supervisory level, and they direct that there be an orderly grievance procedure established by the particular agencies. General Statutes Chapter 126 requirements are carried in Appendix E, and Highway Patrol grievance procedures are carried in Appendix F. The existing patrol procedures start with the supervisor, move to the zone commander, and progress through the Board of Transportation; a final appeal can be made to the State Personnel Commission which has binding authority to direct reinstatement or other appropriate action.

Retirement for the Highway Patrol is covered by the Law Enforcement Officers' Retirement System under the State Auditor's Office. General Statutes Chapter 143, Article 12, establishes the system with a Board of Commissioners to control benefits and contributions. At present the basic retirement benefit is $1\frac{1}{2}\%$ of average final compensation multiplied by number of years creditable service; a member may retire at age 50 with at least 15 years creditable service, but there is a 4% penalty on each year he retires before age 55. In his presentation to the Committee, State Auditor Henry Bridges described his office's regular efforts to circulate information about the system to its members, and he indicated that the office is willing to get together with officers to discuss their retirement. Information on the Law Enforcement Officers' Retirement System is carried in

Appendix G. In further discussions about retirement, an earlier retirement age was mentioned, and the lack of funds for law enforcement members purchase of military service credit was criticized. The State has appropriated funds to cover the State's part of military service credit for members of the Teachers and State Employees' Retirement System that want to purchase this credit; if members of the law enforcement system buy military service credit they must take care of both their own contribution and the State's contribution because no money has been appropriated for State funding of military credit in the law enforcement system. Some local governments have paid the state contribution part of military service credit for their law enforcement officers who are members of the Law Enforcement Retirement System, but the patrol does not have funds for this purpose.

Liability insurance on most State vehicles, including patrol cars, is limited to \$30,000 bodily injury and property damage per person and \$150,000 total for a single occurrence. If a patrolman wants coverage over the State policy he can get added coverage through paying more for his own personal car policy. Some State vehicles, such as those owned by the State Ports Authority, have higher liability insurance limits. The positions of the State Departments of Insurance and Justice on this issue and other liability insurance matters are carried in Appendix P.

In the Committee's consideration of problems with patrol equipment most of the discussion dealt with communications. Materials on the patrol's communication system supplied by the patrol headquarters staff are carried in Appendix H. Other diverse equipment matters were discussed, including the amount of

patrol-supplied ammunition. A complete patrol equipment list is carried in Appendix I.

The third interim meeting of the Committee was held on February 20, 1976. The first agenda item was a presentation on classification procedures by Mr. G. C. Davis, Director of Position Analysis, Office of State Personnel. Mr. Davis began by emphasizing that classification does not by itself determine pay. Classification is a type and level sorting or a process of organization of jobs. Pay is determined first by economic and labor market factors. Information on salary classification and grade is carried in Appendices C and D.

Classification involves first an identification of type of employment, and then establishment of levels within the type. The type of employment being considered by the Committee is law enforcement, and it covers some 2,000 to 3,000 state jobs, including Commercial Fisheries Inspectors who enforce salt water and commercial fishing laws, security policemen who enforce laws on the grounds of various State institutions, Wildlife Protectors who enforce game and fresh water fishing laws, and Highway Patrolmen who enforce highway laws. All of these groups of State employees have the power of arrest, and the other general requirements of law enforcement apply to them. Most of them are uniformed and armed and most of their work goes on seven days per week and 24 hours per day, in shifts and at odd hours, sometimes for extended periods of time. (Another type of State employee with comparable working schedules works in Health Services, including hospital personnel.)

In the North Carolina Office of State Personnel position classification system, the positions of all State employees are

subject to the same examination. There are three broad areas of inquiry: type of work, relative level of duty and responsibility within the same type, and knowledge and experience required. Levels are reflected in classifications like Accountant I, Accountant II, Accountant III, and Accountant IV or Highway Patrol Trooper, Highway Patrol Senior Trooper and Highway Patrol Master Trooper, and they are determined by the judgment of the Personnel Office staff in applying standard factors. These factors include: complexity and difficulty, supervision received or given, consequence of error, impact of decisions made, thinking required, and variety of work. Classification is handled by the Personnel Office staff, with final approval authority in the Personnel Commission. In the part of the Highway Patrol being examined by the Committee, there is very little difference in the three levels of trooper.

Mr. Davis was asked to comment on the Highway Patrol policy requiring a move when a trooper is promoted to sergeant. He responded that all State agencies that have locations spread broadly across the State have the same type of penalty on promotion dictated by the nature of their organization (Revenue, Employment Security, Highway Division, etc.). When asked if patrol efficiency would be improved by having a larger pay differential, Mr. Davis responded that pay is only one job condition contributing to efficiency and that others include equipment, training, supervision, and morale. He indicated that the best measures of adequacy of pay are recruitment and retention, and that morale and job satisfaction are lesser measures.

A patrol trooper must be at least 21 years old and have a high

school education. Mr. Davis indicated that there is no pay differential for additional education and that the basic job is the same without reference to relative education. Mr. Davis said that most instances of changes in classification come from a change in job duties or the addition of training requirements. Economic factors are not usually reflected in changes in classification. Decisions are made by the Personnel Commission and hearings are open (subject to most of the Administrative Procedures Act).

When asked to comment on hazardous duty pay for patrol troopers, Mr. Davis indicated that such a plan would be "opening Pandora's box" and that all law enforcement employees would demand the extra pay. He said that danger is intrinsic to law enforcement and that it is considered by the Personnel Office classification system in determining the basic type of employment. There are no current examples of any special hazardous duty pay to any North Carolina State or local government employees. Patrol personnel have had two changes in pay grade in the last five or six years, over and above the across-the-board increases for all State employees. All troopers were eligible for advancement in pay as a result of the changed pay grade subject to limitations from legislative appropriations.

Patrol troopers are not the only State employees who work on holidays, put in overtime, and work in shifts; they are not the only law enforcement group. Troopers are paid extra compensation for holidays, overtime, and shift differential, as are other State employees. Premium holiday pay is $1\frac{1}{2}$ times the regular rate of pay (time and a half) plus one day off for each holiday worked. Shift differential pay is an additional 15 cents per

hour for shifts between 4 p.m. and 8 a.m. For troopers, overtime is paid at time and a half for anything over 240 hours in any 28-day period. Under the federal wage and hour law, there will be a gradual reduction to a 40-hour week to all law enforcement personnel, with time and a half for over 40 hours per week. The State Personnel Office is working to reduce all law enforcement personnel to 40 hours per week, but it is a struggle. More money must be appropriated. It appears that it will be very difficult to bring the SBI down to a 40-hour week; Campus Security is mostly within 40 hours now. The U. S. Secretary of Labor is now making a survey and will have the power to order reduction of law enforcement employees to 40 hours per week.

A major part of this meeting was devoted to presentations from representatives of State Highway Patrol troopers. One representative was present from each of the eight troops over the State. There was also a presentation from a representative of the newly formed Troopers Association. The counties making up the various troops can be identified in the map in Appendix H. Troop A was represented by Trooper J. W. Sykes, a 27-year veteran from Morehead City. The full text of Trooper Sykes' presentation is carried in Appendix J. His comments included the following suggestions: higher pay, hazardous pay in middle of month, higher pay differential from trooper to sergeant, State payment of dental benefits in hospital insurance, State payment for military service credit in retirement, improved radio communications with scanners and additional channels that only the patrol can monitor, trooper input into Policy and Procedures Manual, get patrol out of Department of Transportation and under the Governor or Justice, better flashlights to be used as weapons

(new issue not useful), bulletproof vests, pull-down screen between front and back seat, automatic weapons, allowance of hidden weapon on person, automatic rear door locking on cars, lobbyist for troopers, localized training, new code of conduct eliminating provision for notifying complaining person of disciplinary action (trooper "shot at twice"), more men in low population areas of State, patrol out of mansion duty, unmarked cars to field duty, State increase liability insurance on cars, trooper expense account, more and better car washes, use of patrol car while off duty if in uniform and better social life.

Troop B was represented by Trooper John Henry Creech from Elizabethtown. He asserted that the general patrol morale is good and that many of the things brought before the Committee can and should be handled at the local level through regular patrol procedures. Appendix K carries part of the patrol's existing new policies and procedures. Trooper Creech said that increased pay is the most important issue to troopers. Young troopers with non-working wives and children get five hundred dollars (\$500.00) to five hundred fifty dollars (\$550.00) per month take-home pay. Troopers are different from other State employees because they must fight drunks, deal with escaped felons, get shot at and face increased risks in late hours. He said it has been two and one-half years since the last patrol salary raise and inflation has risen rapidly since then. He compared the State's spending twenty-nine million dollars (\$29,000,000) on a facility to train doctors, to the State's relatively low spending on compensation of troopers who cannot afford to send their children to a doctor. The older troopers are concerned with retirement. Trooper Creech said that troopers had little information about retirement. He

suggested that promotion policy was always changing. He was pleased with the recent authorization of CB radios and he wants the newly purchased shotgun mounts for the front seat of patrol cars to be installed soon. He indicated that the Governor's hotline (toll-free incoming phone line in Ombudsman's Office) causes many wasted hours since policy calls for patrol sergeants to investigate all complaints. He suggested that genuine complaints would come in without a toll-free line and that the free service generated nuisance complaints.

Troop C was represented by Trooper L. R. Wood, a ten-year veteran from Garner. He asserted that there is a morale problem in the patrol and suggested that perhaps he sees it more because of his location. He sees a big problem in communication of ideas; trooper ideas expressed in district meetings do not get any higher. He said that increased pay is a top priority. Troopers want an across-the-board increase and not a percentage applied to all levels; the same amount of additional money should go to troopers as to the Colonel. They also want a cost-of-living increase, and they want automatic increases instead of merit increases.

Trooper Wood said that information given to the Committee at the last meeting concerning number of years required to reach top trooper pay was not correct. To his knowledge, no trooper has reached the top in less than 12 years; the 8 to 9-year period mentioned at the last meeting does not actually happen. He also suggested that present longevity pay is not enough. He challenged Mr. Davis' assessment of pay evaluation on the basis of recruitment and retention. Troopers will probably not quit if pay stays the same, but it would not be right. The public's

standards for the Highway Patrol are high and they cost a trooper. Troopers must live in a good neighborhood, have a nice home, educate their children, etc. On retirement, Trooper Wood offered the following: it should be computed on three years high pay average rather than five years; troopers have difficulty finding information; benefits computed at 1-1/2% should be increased to 2%; 55 should be a mandatory retirement age; and the 4% penalty on retiring at 50 should be modified. The Northwestern University study of the patrol that was commissioned by the Department of Transportation is not available to troopers. Hospitalization insurance should be increased and improved. Liability insurance on patrol cars should be increased; Trooper Wood carries more on his personal vehicle. A survey should be made on equipment. The presently purchased flashlights are not the best; the metal end is OK, but the plastic end will break. Bulletproof vests have not yet been put in the field; also, shotgun mounts have not been installed as promised. Publicity on shotguns, etc., is dangerous; the enemy should not know as much as the patrol about weapons. Many times news reports are out before official communications to troopers; they are the last to know. Hazardous duty pay is needed; the patrol is the only state law enforcement service that serves riot duty (some SBI duty but mostly intelligence). Troopers should get credit for accrued sick leave at end of job. The patrol should not be under Transportation and should not be under Justice; it should be an independent department. Wood feels that a majority of the troopers do not want to be under Justice. License and Theft employees work only 9:00 to 5:00 and they are at a higher grade than patrol troopers, higher than a patrol line sergeant. A top

trooper is only two steps from the top of sergeant. The promotion policy was better two years ago. More state financial help should be given to troopers who are required to move.

Trooper Wood repeated that troopers are not kept informed. Patrol personnel have duties to promote publicity for the public but not to troopers. The chain of command communication system does not work both ways. On September 3, 1975, Trooper Wood gave to his Captain a letter signed by every man in the district; the letter concerned General Order 57, Section 5, #12 and #13, (General Order 57 is contained in Appendix K); it was to be forwarded to the Colonel. No response or acknowledgment has come from the Colonel even since the resubmission of a copy of the letter a month ago. Public complaints about the patrol are acknowledged and answered quickly. When he was asked for his opinion on an advisory committee of troopers, the trooper indicated that since the last meeting of this committee, a new procedure has been set up. During the first 15 days of the month, there are district meetings and a representative may meet with the Captain; if the problems are not solved, there may be direct contact with the Colonel. Trooper Wood said that this might work in time. The trooper said the legislature is hearing these complaints because there has been no response from within the patrol. There should be more interest from the Colonel. If the Governor can spend a day with the people (People's Day), then the Colonel should have some time for the troopers. Past Colonels have visited troop meetings. The leadership has lost contact with what's happening in the field; they should change with changing times. Age 55 should be forced retirement. Leadership should come from within the patrol. Colonel Jones has

had 40 years plus experience.

The trooper disagrees with present patrol policy where citizens' complaints are extensively investigated even if anonymous, and complaints and disposition go to troopers' files. He indicated that there has been no access to files, but the Committee staff pointed out that state law allows such access to specific data. The law, G.S. 126-26 and G.S. 126-27, is carried in Appendix E.

Trooper John Phillips, a twenty-two and one-half year veteran from Durham, made a presentation for Troop D. The full text of his remarks is carried in Appendix L. He reiterated many of the previously mentioned criticisms and emphasized increased pay as a pressing need. He also made special reference to Code of Conduct Section .0045 on page 9C-9 of the Policies and Procedures Manual. This section requires a patrol member under investigation to submit to a polygraph examination on order of the Commander. Committee members discussed the constitutionality of this procedure. Relevant sections of the Policies and Procedures are carried in Appendix K.

Troop E was represented by Trooper O. M. Hicks who is a 50 year old 25-year veteran with the patrol from Salisbury. A pay increase is the most important need in his district. He suggests that accumulated sick leave be counted as more service towards retirement or that employees be paid for it when they leave service. He suggested mandatory retirement after 30 years service. Trooper Hicks said that the patrol has some morale problems. He said that there is no arrest quota, but that pressure is exerted to increase number of arrests. At the first of every week, a patrol First Sergeant reviews performance and

various ways are used to "gig" the low man for his previous period. Sometimes troopers with low number of arrests are required to go to "the Cabbage Patch" to increase their arrest totals (an area of highway where it is easy to make arrests, such as a long straight stretch of interstate). Some patrolmen stay in "the Cabbage Patch" most of their time because patrol evaluations are now based on arrest statistics. The trooper said that headquarters thinks higher arrests mean a better patrolman. Many patrolmen would rather spend time in rural areas or other places that have high fatality rates rather than in areas where arrests are easy but danger of fatality relatively lower. Pressure from headquarters has increased DUI arrests, resulting in some arrests that register .02 on the breathalyzer (much lower than the .10 required for automatic suspension of license). Representative Smith suggested that the law could be changed to allow the breathalyzer test before arrest. Troopers want to eliminate "Cabbage Patches". They want quality arrests not quantity, and they want command consultation with men in the field about purchase and use of equipment. The proposed new uniform holsters (all the same) are not a good idea. Secretaries should be provided to type reports, freeing troopers from paper work to patrol the roads. The Headquarters Command needs to visit the field. The time needed before becoming eligible for disability benefits should be shortened. Dental coverage should be added to health insurance. Unmarked cars should be put on the roads (84 of the 200 available are being used by headquarters officers). The Policies and Procedures Manual should be applied equally; there should not be different rules for different ranks.

Troop F was represented by Trooper B. B. Oliver from Mt. Airy.

The full text of his comments is carried in Appendix M. He repeated many of the same criticisms heard earlier and suggested removal from the Department of Transportation, better pay, better retirement, and increased liability insurance.

Troop G was represented by Trooper G. W. Spears. He criticized the results of the present practice of using patrolmen on the Governor's Mansion staff. When a trooper goes with the Governor, he is promoted to a supervisory position, but he does not supervise. He retains the same higher rank when he returns to regular duties, but he has no experience in supervision. The promotion should be temporary or limited to one step.

There are many hazards for patrolmen, many assaults, broken noses, black eyes, alcoholism, ulcers, emotional strain, etc. It is a unique job and should be given unique treatment. A patrolman must be careful with his friends, his children are treated differently, and there is a stigma on his social activities.

In Louisiana the State pays four dollars (\$4.00) per day for uniform cleaning and one meal. North Carolina Wildlife protectors receive State payments for cleaning and telephones. North Carolina Highway Patrolmen may not have unlisted phones without special permission and they must pay for them.

Troopers should be protected from civil suits and they should be given more criminal immunity, as from death by vehicles. There should be a mandatory jail term for assault on an officer (similar to federal law for assault on federal land). Part of the court system fines go into the county; money should be available for salary increases. Troopers should be allowed to participate in law enforcement even though not in uniform;

procedures now prohibit. Powers of arrest are valid at all times.

Some North Carolina counties have just two patrolmen; this means no more than one man on the road at a time. They are never off, always on call.

Troop H was represented by Trooper J. D. Clutch from Charlotte. He said that higher pay is the top priority. Duty is hazardous, the job is unique, and personal lives are inconvenienced. As for retirement, law enforcement officers pay in at the third highest rate in the nation, and benefits are paid out at a rate tied for last. Mandatory retirement age should be 55; more benefits should be added. The patrol promotion policy should be reviewed. The patrol should be moved out from under Transportation. Alexander is a civilian boss and he does not know the patrol. Headquarters personnel and Colonel Jones should attend troop meetings. Procedures should be relaxed for permission to attend college. Field men should go to schools such as Northwestern, not supervisory personnel. Transfer procedure should be made more fair. Now if you do a good job, you cannot get a desired transfer, but if you mess up, you will be transferred. New policies and procedures are laughable; every complaint must be documented and sergeants spend too much time on unfounded complaints. There is no special arrest pressure in his experience, but subtle pressures are present, such as posting low arrest figures and names.

The last patrolman to make a presentation was Trooper Johnny Davis, a four-year veteran of the patrol. He represented the North Carolina State Highway Patrol Troopers Association. (The full text of his prepared remarks is carried in Appendix N and

the association charter is carried in Appendix O.) He reported that there are morale problems in the patrol, that many problems are administrative and that some problems can be solved in-house. He asserted that troopers are expected to be first-class citizens on a second-class salary. The association wants a cost-of-living increase and upward reclassification. Troopers want special representation in the General Assembly because they cannot get what they need from the State Employees' Association. They want hazardous duty pay, increased benefits, better retirement including military credit purchased by the State, and other things mentioned by other troopers. The association will not affiliate with any union, it will not strike, and it will not participate in any slowdown or speedup. Efforts will be limited to petition, resolution and recommendation to all governmental units. Five hundred thirty-five of 905 State troopers belong to the association as active members, patrol officers may become associate members and disabled patrolmen may become honorary members.

Final editing and revision of a draft of the Committee's report took place at Committee meetings held during the 1976 part of the 1975 General Assembly Session. The Committee met for a few moments on May 4, 1976, and for several hours on May 7, 1976, completing the report.

FINDINGS AND CONCLUSIONS

At its initial meeting, the Committee identified five areas of concern representing the major problems of North Carolina Highway Patrol troopers; salary, grievance procedures, retirement,

liability insurance and equipment. The Committee has determined that, with the addition of a sixth problem area - administration, these areas of concern reflect the overall picture of current difficulties in the patrol. The following findings and conclusions in the six problem areas are based on staff research and on materials brought before the Committee during its interim meetings. The Committee recommendations in the next section of the report are based on these findings and conclusions.

1. Salary

The primary concern of the Highway Patrol troopers is their salary level. Troopers are almost unanimous in their conviction that their general salary schedule is set too low, and most troopers also agree that there is not sufficient opportunity for promotion. The Committee has determined that troopers' dissatisfaction with their current salary schedule, along with the lack of effective communication by and from the patrol command, has resulted in a morale problem. The problem is caused mainly by these two factors, and there are some other contributing causes that are discussed in later parts of this report, but the problem is not yet serious enough to significantly affect the functioning of the patrol. The Committee found that despite the existence of these problems, the overall morale of Highway Patrol troopers is good, and if there can be some positive legislative response to the problem factors identified by the Committee the patrol will remain the excellent organization that it is now and has been for many years.

The Committee heard from troopers representing all of the

State's eight troops. Most of the troopers that appeared argued for a higher salary schedule with presentations based on general economic conditions. They cited the general inflation, the high cost of medical care and education, rising interest rates, and other rising cost items familiar to most of us. These arguments would apply to any segment of today's work force, and as a response to the generally recognized need the Committee anticipates that an across-the-board salary increase will be granted by the 1976 legislative budget session to ease some of the economic strain for all State employees, including the troopers. The Committee's recommendations concerning salary in later parts of this report relate to increases in addition to any across-the-board State raises.

Other arguments presented by troopers in support of increased pay focus on special or unusual aspects of their duties. The troopers feel that they should be given a pay increase based on their performing a uniquely dangerous job, and the Committee is inclined to agree with their assertion. Patrol troopers put in many long and late-night hours on the highways, they are frequently involved in high-speed chases, and there is increasing contact with dangerous felons who are using the highways either fleeing apprehension for previous crimes or in the process of committing new violations. The present shift-differential pay that compensates troopers for late-night work and overtime pay for some of the long hours is not sufficient compensation for the dangerous and valuable service that the troopers provide. The Committee has concluded that the State Personnel classification of troopers has not given enough consideration to risk in its

evaluation of Highway Patrol troopers.

The Committee has concluded that the present starting salary for troopers is adequate, particularly since it compares favorably with other similar State and local government law enforcement salary plans. The beginning trooper's salary equals or exceeds the beginning salary in most other comparable occupations that do not require education beyond high school and do not require extensive training before employment.

For troopers beyond the beginning level the Committee has concluded that there should be an increase in the salary schedule and that there should be more incremental steps available for promotion within the category of trooper. The eight-step pay range that now applies to troopers is carried across three grade levels in the State Personnel Commission's salary schedule. There are six steps in each grade, but the patrol trooper is currently paid in the first three steps of grade 64 as a Highway Patrol Trooper; then in the third, fourth, and fifth steps of grade 65 as a Highway Patrol Trooper (Senior), and then in the fifth and sixth steps of grade 66 as a Highway Patrol Trooper (Master). The Committee has concluded that the Senior and Master classifications should be moved to a higher grade level and the full six-step range should be available at each level. This change would raise the salary levels for troopers as they gain experience, it would allow more opportunity for advancement for members of the patrol who spend their careers as troopers, and it would provide for meaningful promotion within the trooper classification as an alternative to promotion to sergeant which is now severely limited by an eighteen percent (18%) maximum on supervisory personnel in G.S. 20-185(a). The grade level for

sergeant should be moved up to conform with the changes for troopers.

2. Administration

This study began as a legislative reaction to reported problems with the morale of State Highway Patrol troopers. Within the limitations imposed by State law and the appropriations process, the morale of the patrol is a function of the organization of the agency and the administration of the agency by the Commander and officers. Trooper salaries are limited by legislative appropriation and action of the State Personnel Commission, but the lack of visible support for higher trooper pay by the patrol command staff in the administration of the organization is a cause of trooper concern.

The Committee found that the situation is different in different geographical areas across the State, and that there are variations among the eight troops. In many of the individual Committee members' conversations with troopers in their home districts, and in some of the presentations by representatives of the eight troops, troopers said that although patrol morale is generally good, there are morale problems, and there is room for improvement in the operation and administration of the patrol. Two of the troopers specifically stated that: "There is a morale problem!" In its examination of criticisms from the troopers that asserted serious morale problems, and in the examination of the complaints and suggestions for improvement from other troopers that said morale was good, the Committee found symptoms of the same basic problem; this problem is a lack of effective

communication by patrol leadership with the troopers in the field. The Committee found in all of the troopers who offered comments an overall willingness to endure the difficult but unchangeable aspects of law enforcement work, but the troopers need to feel that there is support from within the patrol for their efforts to improve. The troopers need to feel that the Command is "for them", not on every point that each individual trooper might make, but on major issues for common improvement.

The Committee has concluded that the patrol leadership can achieve better morale and greater Command confidence by working at it, by improving communication, by more visits to the field, and by seeking trooper information input in matters that concern them. These goals can be accomplished without sacrificing the discipline that is necessary in any law enforcement unit, and the accomplishment of these goals will probably be a factor contributing to improved discipline.

This report is not meant to be interpreted as unfriendly criticism of the present patrol colonel and his staff, but it should be viewed as an effort towards improvement of an already fine organization. Sometimes it is difficult to see the need for change from within an organization; times have changed and law enforcement problems are more complex; the patrol must change also.

Also in the area of administration, the Committee is disturbed by what appears to be some use of an informal "quota system" in the evaluation of trooper performance. The Committee recognizes the need for evaluation, but the posting of statistics that reflect number of arrests and requiring troopers to stay in areas

where it is easy to make arrests should be discouraged.

A last area of administrative operation within the patrol that came to the Committee's attention was the present policy for exhaustive investigation of all citizen complaints even though some might be anonymous. The Committee recognizes the need to protect citizens from potential improper law enforcement reaction to citizen criticism or report of improper activity, but there is also a need to assure troopers that the patrol will not make decisions based on frivolous or false complaints. The patrol's position should be that no disciplinary action will be taken on the basis of an anonymous complaint unless it prompts an inquiry that leads to substantiated evidence of wrongdoing.

3. Liability Insurance

Highway Patrol vehicles are now covered by the general State automobile liability insurance policy that applies to almost all other State vehicles. The limitations on liability insurance coverage of this general State insurance policy appear to be inadequate for the high-risk activities of the Highway Patrol. Troopers should not have to rely on their personal insurance to cover their line-of-duty risks.

4. Retirement

The Law Enforcement Officers' Retirement System is available to Highway Patrol troopers as well as other State government law enforcement officers and a sizable number of local government officers. The system is basically sound, but information on the

operation of the system and its application to individual troopers has not been effectively communicated to the troopers. During the Committee's investigation into the area, both the administration of the Retirement System in the State Auditor's Office and the patrol headquarters' staff promised an increased effort in communicating with the troopers. The Committee believes that this will remedy many of the problems.

The Law Enforcement Officers' Retirement System is a complex and technical operation, and the Committee has concluded that it does not have the capacity (time, financing, or staff) to produce a full investigation into the adequacy or relative merits of the system as it applies to the Highway Patrol. However, there is a Committee of the Legislative Research Commission presently looking at retirement systems that has already gained a working knowledge of the functioning of the two retirement systems, and most retirement matters should be deferred to the Research Commission Committee.

There is one matter in the retirement area that can be dealt with by the Committee without the necessity of considering changes to the law establishing the retirement system or other complexities. State funds have been appropriated to assist purchase of military service credit by members of the Teachers' and State Employees' Retirement System, but no State funds have been appropriated to assist military service time credit purchase by members of the law enforcement system. The 1977 General Assembly should give strong consideration to appropriating funds to pay for the employer's part of military service credit for highway patrolmen.

The Committee also wants to make note of another problem

related to retirement in the Highway Patrol. This problem stems from the relatively high retirement age and the physical requirements that are part of a trooper's job. After a man nears fifty his strength and the quickness of his reflexes begin to decline and he is not as able to take care of himself as he was during his younger years. A trooper who is nearing the retirement age either reduces his effectiveness by not doing the things requiring a younger man's strength and reflexes, or he increases his risk of injury or death by trying to do things beyond his physical ability. The Committee will not make any formal recommendation concerning this problem, but there was some discussion about possibly removing experienced older troopers from regular duties and using them in highway safety training programs or other jobs that will take advantage of their training and knowledge.

5. Grievance Procedures

The presently applicable Highway Patrol grievance procedures comply with the requirements of the State Personnel System statutes in G.S. Chapter 126 and they comply with the regulations of the Personnel Commission. Most trooper complaints about grievance procedures were based on their lack of awareness of the formal procedures or a lack of confidence in the manner of use of formal or informal grievance procedures by patrol supervisory or headquarters' staff. No reason has appeared to compel modification of the existing published grievance procedures, but the Committee has concluded that there is a need for improved communications from the patrol leadership to the troopers in

grievance matters and in other matters of general concern. This is another aspect of the need for better communication down the chain of command as discussed further in the Committee's treatment of patrol administration.

6. Equipment

The major complaints about communication equipment heard by the committee will be satisfied by the implementation of patrol programs now in the process of completion. Most of the other equipment complaints appear to be concerned with relatively minor matters that are the subject of disagreement among individual troopers and the command. These complaints should be handled internally by existing patrol procedures, and by use of the Committee's recommended changes in patrol administration. The Committee did conclude that publicity concerning some patrol protective equipment has been improperly managed and should be improved. Also, the patrol leadership should always be on the alert to the introduction of new equipment that will help minimize the hazards of a trooper's job and improve his effectiveness.

RECOMMENDATIONS

1. Salary

The Committee recommends that the 1975 General Assembly, Second Session 1976, make every effort to find money to support an across-the-board salary increase for all State employees,

including the Highway Patrol. The Committee recommends that the State Personnel Office undertake a reexamination of its position classification and pay plans for Patrol personnel and that the examination include looking into the general level of compensation for troopers, the difference between the pay of troopers and sergeants, opportunity for promotion, and other matters suggested by this report. Further, the Committee encourages the immediate implementation of the State Personnel Offices' recommendations to fund increases from salary reserves and adjustment funds and from other funds available to the Department of Transportation.

The Committee recommends that the Personnel Commission assign a higher grade level for Senior Trooper and Master Trooper, and allow utilizing the full six-step range of the grade for each of the three levels of trooper.

2. Administration

The chain of command is the backbone of effective administration in the Patrol. The Committee recommends that the Patrol Commander and officers designated by him examine present command organization and policy in the light of this report and that there be established within the patrol a chain of command organization that is an avenue for communication that flows both ways - up from the troopers in the field, and down from the Colonel and officers in Headquarters.

The Committee recommends that the next Speaker of the House of Representatives consider appointing a standing committee to continue the work of this select Committee in providing a

legislative review of law enforcement personnel matters, and that a specific duty of the new standing committee be to review the Highway Patrol's response to this report.

The Committee recommends that the Highway Patrol immediately cease the use of any informal "quota system" and discourage the use of any system that might emphasize a high number of arrests just for the sake of high arrest statistics.

The Committee recommends that the Governor's Office and the Department of Transportation make an effort to screen out frivolous complaints received from their toll-free incoming phone lines or any other source, and that anonymous complaints be substantiated in some manner before action is taken based on the allegations of the complaints.

3. Liability Insurance

The Committee recommends that there be a substantial increase in the amount of liability insurance coverage for Highway Patrol vehicles and drivers.

4. Retirement

The Committee recommends that the 1977 General Assembly give strong consideration to appropriating funds to pay the employer's part of military service credit for Highway Patrolmen.

The Committee recommends that the Legislative Research Commission Committee on Retirement take note of Highway Patrol troopers' suggestions for improved benefits and their lack of information about their rights under the Law Enforcement

Officers' Retirement System, and that in the Research Commission Committee's examination of the Law Enforcement Officers' Retirement System in its report to the 1977 Session of the General Assembly there be specific treatment of the question of State funding of military service credit to members of the Highway Patrol.

5. Grievance Procedures

The Committee recommends that the Patrol Commander and officers designated by him begin an information program that will better inform troopers of existing rights under State grievance procedures.

6. Equipment

The Committee recommends that the Patrol Commander and officers designated by him make a special effort to reexamine its information release procedure concerning special protective equipment or weapons for the patrol, attempting to achieve a balance between the public's need to know and the need for patrol security. Potential Highway patrol attackers or prisoners should not be able to overcome or defeat the intended advantage that special protective equipment or weapons should give troopers.

The Committee also recommends that the patrol leadership investigate new law enforcement equipment such as high intensity lights and lightweight portable radios, and when they find equipment that will protect and aid troopers that they actively promote its purchase and use, letting the troopers know that they

are doing so.

APPENDICES



NORTH CAROLINA GENERAL ASSEMBLY

HOUSE OF REPRESENTATIVES

RALEIGH 27611

JAMES C. GREEN, SPEAKER
HOME ADDRESS
POST OFFICE BOX 165
CLARKTON, NORTH CAROLINA 28433

December 8, 1975

The Honorable Edward S. Holmes
Post Office Box 126
Pittsboro, North Carolina 27312

Dear Ed:

I suggest that you convene your Committee on Professional Law Enforcement Personnel and Practice at the earliest convenient date.

It appears that we need to make some determination as to the validity of the published and much talked about reports concerning low morale and other related problems within the ranks of the North Carolina State Highway Patrol.

I have every confidence in you and your Committee and feel sure that you will seek to get the real facts without, at any time, allowing it to appear that we are on a "witch hunt". The patrol is too valuable and too necessary to law enforcement and society in general in North Carolina for us to refrain from making this investigation on the legislative level.

My best regards.

Sincerely,


James C. Green

JCG/ap

HOUSE SELECT COMMITTEE ON
PROFESSIONAL LAW ENFORCEMENT
PERSONNEL AND PRACTICES

Membership List

Representative Ed Holmes, Chairman
Representative Chris Barker
Representative George Cullipher
Representative Conrad Duncan
Representative Larry Eagles
Representative Tom Ellis
Representative Richard Erwin
Representative Tom Hunter
Representative Herbert Hyde
Representative Kitchin Josey
Representative Craig Lawing
Representative Guy Revelle
Representative Horton Rountree
Representative Wade Smith
Representative Roy Spoon
Representative John Stevens

Alphabetical and Schematic Lists of State Classifications and Salary Ranges

Published by
OFFICE OF STATE PERSONNEL
RALEIGH, NORTH CAROLINA

Effective: August 1, 1975

| CODE | CLASSIFICATION TITLE | GRADE NO | SALARY RANGE | |
|------|---------------------------------|-------------|-----------------|-------|
| 5983 | HIGHWAY PATROL CAPTAIN | 74 | 14736 | 18780 |
| 5989 | HIGHWAY PATROL COLONEL | 80 | 19692 | 25068 |
| 5977 | HIGHWAY PATROL FIRST SERGEANT | 70 | 12240 | 15468 |
| 5982 | HIGHWAY PATROL LIEUTENANT | 72 | 13416 | 17052 |
| 5985 | HIGHWAY PATROL MAJOR | 76 | 16236 | 20664 |
| 5975 | HIGHWAY PATROL SERGEANT | 68 | 11148 | 14052 |
| 5971 | HIGHWAY PATROL TROOPER | 64 | 9276 | 11676 |
| 5973 | HIGHWAY PATROL TROOPER (MASTER) | 66 | 10164 | 12816 |
| 5972 | HIGHWAY PATROL TROOPER (SENIOR) | 65 | 9708 | 12240 |

*Grade No. refers to Office of State Personnel salary schedule which is the series of six step salary increments shown on the next page. Under regular State Personnel procedures an employee begins in Step 1, automatically moves to Step 2 after one year and automatically moves to Step 3 after an additional year; movement to Steps 4, 5 and 6 is determined by merit, and eligibility for merit increase to a higher step arises annually.

In the Highway Patrol a trooper begins at Step 1 of Grade 64 (\$9,276) and advances automatically through Step 2 to Step 3 after two years. Subject to available funds and merit evaluation, after 3 years the trooper is eligible to move into Senior Trooper, Grade 65 at Step 3. If the trooper receives a merit increase each intervening year, at the end of 6 years he will be eligible for Master Trooper, Grade 66 at Step 5. At the end of 7 years, if an increase is received every year the trooper will be at the top of Master Trooper, Grade 66 at Step 6 (\$12,816).

NORTH CAROLINA
OFFICE OF STATE PERSONNEL

SALARY SCHEDULE

Effective July 1, 1975
Annual and Monthly Salary Rates

| Salary Grade | Steps | | | | | | | | | | | |
|-----------------|---------|------|-------|------|-------|------|-------|------|-------|------|-------|------|
| | 1 | | 2 | | 3 | | 4 | | 5 | | 6 | |
| 48 | \$ 4572 | 331 | 4764 | 397 | 4968 | 414 | 5184 | 432 | 5400 | 450 | 5640 | 470 |
| 49 | 4764 | 397 | 4968 | 414 | 5184 | 432 | 5400 | 450 | 5640 | 470 | 5904 | 492 |
| 50 | 4968 | 414 | 5184 | 432 | 5400 | 450 | 5640 | 470 | 5904 | 492 | 6168 | 514 |
| 51 | 5184 | 432 | 5400 | 450 | 5640 | 470 | 5904 | 492 | 6168 | 514 | 6456 | 538 |
| 52 | 5400 | 450 | 5640 | 470 | 5904 | 492 | 6168 | 514 | 6456 | 538 | 6756 | 563 |
| 53 | 5640 | 470 | 5904 | 492 | 6168 | 514 | 6456 | 538 | 6756 | 563 | 7080 | 590 |
| 54 | 5904 | 492 | 6168 | 514 | 6456 | 538 | 6756 | 563 | 7080 | 590 | 7416 | 618 |
| 55 | 6168 | 514 | 6456 | 538 | 6756 | 563 | 7080 | 590 | 7416 | 618 | 7752 | 646 |
| 56 | 6456 | 538 | 6756 | 563 | 7080 | 590 | 7416 | 618 | 7752 | 646 | 8112 | 676 |
| 57 | 6756 | 563 | 7080 | 590 | 7416 | 618 | 7752 | 646 | 8112 | 676 | 8484 | 707 |
| 58 | 7080 | 590 | 7416 | 618 | 7752 | 646 | 8112 | 676 | 8484 | 707 | 8868 | 739 |
| 59 | 7416 | 618 | 7752 | 646 | 8112 | 676 | 8484 | 707 | 8868 | 739 | 9276 | 773 |
| 60 | 7752 | 646 | 8112 | 676 | 8484 | 707 | 8868 | 739 | 9276 | 773 | 9708 | 809 |
| 61 | 8112 | 676 | 8484 | 707 | 8868 | 739 | 9276 | 773 | 9708 | 809 | 10164 | 847 |
| 62 | 8484 | 707 | 8868 | 739 | 9276 | 773 | 9708 | 809 | 10164 | 847 | 10644 | 887 |
| 63 | 8868 | 739 | 9276 | 773 | 9708 | 809 | 10164 | 847 | 10644 | 887 | 11148 | 929 |
| 64 | 9276 | 773 | 9708 | 809 | 10164 | 847 | 10644 | 887 | 11148 | 929 | 11676 | 973 |
| 65 | 9708 | 809 | 10164 | 847 | 10644 | 887 | 11148 | 929 | 11676 | 973 | 12240 | 1020 |
| 66 | 10164 | 847 | 10644 | 887 | 11148 | 929 | 11676 | 973 | 12240 | 1020 | 12816 | 1068 |
| 67 | 10644 | 887 | 11148 | 929 | 11676 | 973 | 12240 | 1020 | 12816 | 1068 | 13416 | 1118 |
| 68 | 11148 | 929 | 11676 | 973 | 12240 | 1020 | 12816 | 1068 | 13416 | 1118 | 14052 | 1171 |
| 69 | 11676 | 973 | 12240 | 1020 | 12816 | 1068 | 13416 | 1118 | 14052 | 1171 | 14736 | 1228 |
| 70 | 12240 | 1020 | 12816 | 1068 | 13416 | 1118 | 14052 | 1171 | 14736 | 1228 | 15468 | 1289 |
| 71 | 12816 | 1068 | 13416 | 1118 | 14052 | 1171 | 14736 | 1228 | 15468 | 1289 | 16236 | 1353 |
| 72 | 13416 | 1118 | 14052 | 1171 | 14736 | 1228 | 15468 | 1289 | 16236 | 1353 | 17052 | 1421 |
| 73 | 14052 | 1171 | 14736 | 1228 | 15468 | 1289 | 16236 | 1353 | 17052 | 1421 | 17868 | 1493 |
| 74 | 14736 | 1228 | 15468 | 1289 | 16236 | 1353 | 17052 | 1421 | 17868 | 1493 | 18720 | 1568 |
| 75 | 15468 | 1289 | 16236 | 1353 | 17052 | 1421 | 17868 | 1489 | 18720 | 1565 | 19692 | 1641 |
| 76 | 16236 | 1353 | 17052 | 1421 | 17868 | 1489 | 18720 | 1565 | 19692 | 1641 | 20664 | 1722 |
| 77 | 17052 | 1421 | 17868 | 1489 | 18720 | 1565 | 19692 | 1641 | 20664 | 1722 | 21672 | 1806 |
| 78 | 17868 | 1489 | 18720 | 1565 | 19692 | 1641 | 20664 | 1722 | 21672 | 1806 | 22752 | 1896 |
| 79 | 18720 | 1565 | 19692 | 1641 | 20664 | 1722 | 21672 | 1806 | 22752 | 1896 | 23840 | 1990 |
| 80 | 19692 | 1641 | 20664 | 1722 | 21672 | 1806 | 22752 | 1896 | 23840 | 1990 | 25068 | 2089 |
| 81 | 20664 | 1722 | 21672 | 1806 | 22752 | 1896 | 23840 | 1990 | 25068 | 2089 | 26304 | 2192 |
| 82 | 21672 | 1806 | 22752 | 1896 | 23840 | 1990 | 25068 | 2089 | 26304 | 2192 | 27612 | 2301 |
| 83 | 22752 | 1896 | 23840 | 1990 | 25068 | 2089 | 26304 | 2192 | 27612 | 2301 | 28992 | 2416 |
| 84 | 23840 | 1990 | 25068 | 2089 | 26304 | 2192 | 27612 | 2301 | 28992 | 2416 | 30420 | 2535 |
| 85 | 25068 | 2089 | 26304 | 2192 | 27612 | 2301 | 28992 | 2416 | 30420 | 2535 | 31920 | 2660 |
| 86 | 26304 | 2192 | 27612 | 2301 | 28992 | 2416 | 30420 | 2535 | 31920 | 2660 | 33504 | 2792 |
| 87 | 27612 | 2301 | 28992 | 2416 | 30420 | 2535 | 31920 | 2660 | 33504 | 2792 | 35196 | 2933 |
| 88 | 28992 | 2416 | 30420 | 2535 | 31920 | 2660 | 33504 | 2792 | 35196 | 2933 | 36960 | 3080 |
| 89 | 30420 | 2535 | 31920 | 2660 | 33504 | 2792 | 35196 | 2933 | 36960 | 3080 | 38820 | 3235 |
| 90 | 31920 | 2660 | 33504 | 2792 | 35196 | 2933 | 36960 | 3080 | 38820 | 3235 | 40764 | 3397 |
| 91 | 33504 | 2792 | 35196 | 2933 | 36960 | 3080 | 38820 | 3235 | 40764 | 3397 | 42792 | 3566 |
| 92 | 35196 | 2933 | 36960 | 3080 | 38820 | 3235 | 40764 | 3397 | 42792 | 3566 | 44916 | 3745 |
| 93 | 36960 | 3080 | 38820 | 3235 | 40764 | 3397 | 42792 | 3566 | 44916 | 3745 | 47124 | 3932 |
| 94 | 38820 | 3235 | 40764 | 3397 | 42792 | 3566 | 44916 | 3745 | 47124 | 3932 | 49536 | 4126 |
| 95 | 40764 | 3397 | 42792 | 3566 | 44916 | 3745 | 47124 | 3932 | 49536 | 4126 | 52064 | 4326 |
| 96 | 42792 | 3566 | 44916 | 3745 | 47124 | 3932 | 49536 | 4126 | 52064 | 4326 | 54768 | 4532 |

